

### **REMARKS**

Claims 1-22 are pending in the present application. The Office Action and cited references have been considered. Favorable reconsideration is respectfully requested.

The Examiner is thanked for the courtesies extended during the interview on May 26, 2009. This amendment is presented in accordance with the discussions during the interview. Specifically, changes to claim 1 were discussed to distinguish the invention from the prior art. Claim 1 has been amended to incorporate those changes. Additionally, as discussed, independent claims 19 and 21 have been similarly amended.

Claims 1-4, and 8-22 were rejected under 35 U.S.C. §103 as being unpatentable over Kahl (U.S. Patent No. 6,459,718) in view of Trousilek (U.S. Patent No. 5,211,718) and Doherty (U.S. Patent No. 6,658,808). Claims 5-6 were rejected under 35 U.S.C. §103 as being unpatentable over Kahl in view of Trousilek and Doherty and further in view of Davis (U.S. Patent No. 6,295,783). These rejections are respectfully traversed for the following reasons.

Claim 1 recites a protective wall (1) for shielding against laser beams, optionally including laser beams stemming from welding machines, wherein the protective wall (1) contains light-alloy shaped sections (10 - 14) which are essentially rectangular, and incorporates chambers formed by interior walls (2), and tongues and grooves formed on two side walls thereof, the grooves on a front of the side walls of each of the sections opening in the same direction as the grooves on a back of the side walls of said each of the sections, the direction of the opening being perpendicular to

the height of the wall, and the structure is such that the tongues and grooves of adjoining sections are joined together in a direction that is perpendicular to the height of the wall. The light-alloy shaped sections (10 - 14) are lined up and connected side wall to side wall in an individually removable manner to form the protective wall (20, 22; 21, 23; 24, 25) in such a way that the tongues and grooves on the two side wall are implemented step-like from a front wall (26) to a back wall (27). This is not taught, disclosed or made obvious by the prior art of record.

Before turning to the merits of the rejection, Applicant submits the following comments (also discussed during the interview). The Office Action sets forth features of the claims purportedly taught by the cited references Kahl and Doherty, and then discusses Troustilek. However, the rejection does not comply with the requirements of setting forth a *prima facie* case of obviousness. In particular, under the case law, and under the M.P.E.P., a *prima facie* case of obviousness is made when the examiner sets forth the scope and content of the prior art, the differences between the prior art and the claimed invention, the proposed modification, and the reasons why such modification would have been obvious to one of ordinary skill in the art at the time the invention was made. 35 U.S.C. § 103; M.P.E.P. § 706.02(j) (“(A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate, (B) the difference or differences in the claim over the applied reference(s), (C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and (D) an explanation >as to< why >the claimed invention would have been obvious to< one of ordinary skill in

the art at the time the invention was made....” While the Office Action discusses the teachings of Kahl and Doherty, and alleges that the combination of the teachings of these two references would have been obvious, it does not discuss any differences between Trousilek and the claimed invention, or allege a proper combination of the teachings of Trousilek with either of the other cited documents, as the first paragraph of the rejection sets forth. During the interview, the Examiner explained that Trousilek was believed to be close to the claimed invention, but did not show the laser protection material. The Examiner stated during the interview that the material was not claimed. This rejection is believed to be very confusing, and if the rejection is maintained, clarification is requested, so that Applicant will be in a position to clearly understand the rejection and address any arguments raised in the Office Action in a clear manner so as to move prosecution forward.

Turning now to the merits, during the interview, the meaning of the prior recitation in claim 1 that insertion and removal of each section is permitted in alternate directions perpendicular to a plane of extension defined by the front walls of the sections, was discussed. The Examiner explained her position that this language was very broad, taking the position that there was no frame of reference for the term “plane of extension”. While Applicant disagrees, to advance prosecution, the claim has been amended to recite “tongues and grooves formed on two side walls thereof, the grooves on a front of the side walls of each of the sections opening in the same direction as the grooves on a back of the side walls of said each of the sections, the direction of the opening being perpendicular to the height of the wall, and the structure is such that the

tongues and grooves of adjoining sections are joined together in a direction that is perpendicular to the height of the wall,” This is not taught or suggested in any of the cited references, whether taken alone or in combination as proposed in the Office Action. The wall elements of Kahl are not constructed such that tongues and grooves formed on two side walls thereof, the grooves on a front of the side walls of each of the sections opening in the same direction as the grooves on a back of the side walls of said each of the sections, the direction of the opening being perpendicular to the height of the wall, and the structure is such that the tongues and grooves of adjoining sections are joined together in a direction that is perpendicular to the height of the wall, The interlocking elements of Doherty are joined together in a direction that runs along the height of the wall.

Applicant further submits that even if, assuming for the sake of argument only, that the cited references teach all of the claimed elements, the proposed combination would not have been obvious to one of ordinary skill in the art. In particular, Kahl relates to a laser protective wall which serves to shield laser work stations against, e.g., high-power metal-working lasers. However, Doherty relates to building modules used for buildings, retaining walls, and bridges. Trousilek relates to structural elements for building homes and the like. Both of these technologies are significantly different in their requirements than is required for construction of laser protective walls of the kind disclosed in Kahl. One of ordinary skill in the art of designing and building laser protective walls would not have been motivated to refer to

patents relating to the building of homes, buildings, retaining walls, and bridges to solve the problems associated with designing and building laser protective walls.

For at least these reasons, claim 1 is believed to be patentable over the prior art of record, whether taken alone or in combination as proposed in the Office Action. Claims 2-18 depend from and include the limitations of claim 1. Applicant respectfully submits that claims 2-18 are patentable over the prior art in and of themselves, and for the reasons discussed above with respect to claim 1. Likewise, claims 19-22 are believed to be patentable over the prior art for the same reasons.

For at least these reasons, Applicant respectfully submits that claims 1-22 are patentable over the prior art of record whether taken alone or in combination as proposed in the Office Action.

In view of the above amendment and remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections of record. Applicant submits that the application is in condition for allowance and early notice to this effect is most earnestly solicited.

If the Examiner has any questions, he is invited to contact the undersigned at 202-628-5197.

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Respectfully submitted,

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